

USSN: 09/851,738

Amdt. Dated January 18, 2005

Reply to Office Action of November 3, 2004

REMARKS/ARGUMENTS

At the outset, Applicants thank the Examiner for his helpful suggestions in the prosecution of this application. Claims 14-22, and 24-42 were pending. In the instant response, claims 22, 29-33, 36, and 37 are amended. Support for the amendment to claims can be found throughout the specification. The amendments more particularly describe the invention, and/or correct typographical errors. Applicants submit that no new matter has been introduced by the instant amendments.

Issues under 35 U.S.C. §112, second paragraph

Claims 22, 32-34, 37, and 42 are rejected under 35 U.S.C. 112, second paragraph, for allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

The Patent Office alleges insufficient antecedent basis for "a medical procedure." Applicants have amended claims 22 and 31 to obviate this rejection. No narrowing of the claims has been made by the instant amendments.

The Patent Office alleges indefiniteness of claims 32, 33, and 37. Applicants have amended the claims as suggested to obviate the rejection. No narrowing of the claims has been made by the instant amendments.

In light of the above, Applicants respectfully request reconsideration and withdrawal of the rejection.

Obviousness Type Double Patenting

Claims 35-40 are provisionally rejected for allegedly being in conflict with claims 1, 7, 11, and 25 of Application No. 09/953,021. Application 09/953,021 has been abandoned. Accordingly, the issue of double patenting with respect to Application No. 09/953,021 is moot.

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Claims 35, 36, and 38-40 are rejected for allegedly being in conflict with claims 1, 7, and 11 of U.S. Pat. No. 6,284,725. Applicants submit that a terminal disclaimer to the '725 patent was filed in a previous paper. Accordingly, the issue of double patenting with respect to the '725 patent is moot.

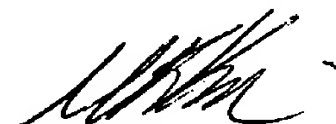
Applicants respectfully request reconsideration and withdrawal of all outstanding rejections to the claims.

CONCLUSION

Applicants respectfully submit that the claims are now in condition for allowance and request that a timely Notice of Allowance be issued in this case. The Examiner is encouraged to call the undersigned attorney to discuss any issues related to the prosecution of the instant application.

Applicants believe that no fee is necessitated by the present paper. However, in the event any fees are due or any amount is to be credited, Applicants authorize the Commissioner of Patents to debit or credit Deposit Account No. 010535.

Respectfully submitted,



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